

IN THE UNITED STATES DISTRICT COURT
FOR THE District of Puerto Rico

Case No. 97-0228-CR

Douglas Gorbea

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

Ex-Parte Notice of
Booker's violations
and preservation of
issues

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Comes now Douglas Gorbea *In Propria persona* in the above named and styled case and notifies this Honorable court of the possible **BOOKER** violations in his case to preserve his constitutional rights in this matter.

For that he/she states as follow:

1. The highest court in the land has recognized the unconstitutionality of the United States Sentencing Guidelines but failed(in violation of the "Equal Protection" clause of the constitution) to make it fully retroactive, United States v Booker 160 L. Ed 2d 621 (2005).
2. In Dodd vs United States 162 L. Ed 2d 343 (2005) the Supreme Court decided that the One- year limitation period according to 28 USC § 2255, began when the right was recognized, rather than when the right is made retroactive by the Supreme Court.
3. It is movant's contention that the above mentioned decision is in violation of the "**Suspension Clause**" of the constitution, because fundamental rights as prescribed in the constitution are perpetual. Thus no legislative body has the authority to place a time limit on them.

In order to avoid potential future legal obstacles in search of Justice, movant serves this court with this notice to preserve any and all related **BOOKER** issues for future use.

Respectfully Submitted

Douglas Gorbea

DATED: January 10, 2006

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